

1 SENATE BILL NO. 166

2 INTRODUCED BY J. TROPILA

3 BY REQUEST OF THE GOVERNOR

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO FISH AND GAME LICENSURE;
 6 PROVIDING FOR THE ISSUANCE OF FREE WILDLIFE CONSERVATION LICENSES TO RESIDENT MINORS
 7 WHO ARE 12 YEARS OF AGE OR OLDER AND UNDER 15 YEARS OF AGE AND TO RESIDENTS 62 YEARS
 8 OF AGE OR OLDER; PROVIDING THAT RESIDENTS AND CERTAIN NONRESIDENTS WHO HAVE BEEN
 9 AWARDED A PURPLE HEART IN SERVICE WITH THE U.S. ARMED FORCES MAY FISH AND HUNT GAME
 10 BIRDS WITH ONLY A WILDLIFE CONSERVATION LICENSE; PROVIDING FOR THE TRANSFER OF MONEY
 11 FROM THE GENERAL FUND TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS GENERAL LICENSE
 12 ACCOUNT TO COMPENSATE FOR LICENSE REVENUE LOST THROUGH THE ISSUANCE OF THE FREE
 13 LICENSES AND EXTENSION OF PRIVILEGES TO RECIPIENTS OF A PURPLE HEART; AMENDING
 14 SECTIONS 87-2-202, 87-2-801, 87-2-805, AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE ~~AND~~
 15 ~~A TERMINATION DATE~~ AND A TERMINATION DATE."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18
 19 **Section 1.** Section 87-2-202, MCA, is amended to read:
 20 **"87-2-202. Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12) and 87-2-805(5),
 21 a wildlife conservation license must be sold upon written application. The application must contain the applicant's
 22 name, age, [social security number,] occupation, street address of permanent residence, mailing address,
 23 qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as
 24 an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a
 25 Montana driver's examiner's identification card, or other identification specified by the department to substantiate
 26 the required information when applying for a wildlife conservation license. It is the applicant's burden to provide
 27 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license
 28 or to receive a free wildlife conservation license pursuant to 87-2-803(12) or 87-2-805(5). It is unlawful and a
 29 misdemeanor for a license agent to sell or give a wildlife conservation license to an applicant who fails to produce
 30 the required identification at the time of application for licensure.

1 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
2 recorded according to rules that the department may prescribe.

3 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a
4 search and rescue surcharge.

5 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is
6 a search and rescue surcharge.

7 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
8 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
9 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage
10 enhanced hunting access through the hunter management and hunting access enhancement programs
11 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
12 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
13 once during any license year.

14 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
15 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced
16 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access
17 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
18 enhanced hunting access through the hunter management and hunting access enhancement programs
19 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
20 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
21 only once during any license year.

22 (4) Licenses issued are void after the last day of February next succeeding their issuance.

23 [(5) The department shall keep the applicant's social security number confidential, except that the
24 number may be provided to the department of public health and human services for use in administering Title
25 IV-D of the Social Security Act.]

26 (6) The department shall delete the applicant's social security number in any electronic database [5 years
27 after the date that application is made for the most recent license]. (Bracketed language terminates or is amended
28 on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in
29 subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.
30 596, L. 2003.)"

1

2 **Section 2.** Section 87-2-801, MCA, is amended to read:

3 **"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor**
4 **members -- resident purple heart awardees.** (1) A resident, as defined in 87-2-102, who is 62 years of age or
5 older is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the
6 department. The form of the license must be prescribed by the department.

7 (2) A resident who is 62 years of age or older is also entitled to purchase a Class A-3 deer A tag for \$10
8 and a Class A-5 elk tag for \$12.

9 (3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor
10 member is entitled to fish with a conservation license issued by the department.

11 (4) Regardless of age, a resident, as defined in 87-2-102, who has been awarded a purple heart for
12 service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys,
13 with a conservation license issued by the department.

14 (5) REGARDLESS OF AGE, A NONRESIDENT WHO HAS BEEN AWARDED A PURPLE HEART FOR SERVICE IN THE
15 ARMED FORCES OF THE UNITED STATES IS ENTITLED TO FISH AND HUNT GAME BIRDS, NOT INCLUDING WILD TURKEYS, WITH
16 A CONSERVATION LICENSE ISSUED BY THE DEPARTMENT DURING EXPEDITIONS ARRANGED FOR THE NONRESIDENT BY A
17 NONPROFIT ORGANIZATION THAT USES FISHING AND HUNTING AS PART OF THE REHABILITATION OF DISABLED VETERANS.

18 (6) The ~~department~~ DEPARTMENT'S general license account must be reimbursed by a quarterly transfer
19 OF FUNDS from the general fund TO THE GENERAL LICENSE ACCOUNT for license costs associated with the fishing
20 and game bird hunting privileges granted pursuant to ~~this subsection~~ SUBSECTIONS (4) AND (5) during the
21 preceding calendar quarter. ~~Reimbursed~~ REIMBURSEMENT costs must be designated as license revenue."

22

23 **Section 3.** Section 87-2-805, MCA, is amended to read:

24 **"87-2-805. Persons under eighteen years of age -- youth combination sports license -- terminally**
25 **ill youth under seventeen years of age -- free wildlife conservation license for resident seniors and certain**
26 **minors.** (1) Resident minors who are 12 years of age or older and under 15 years of age may fish and may hunt
27 upland game and migratory game birds during the open season with only a conservation license. Resident minors
28 who are 15 years of age may hunt migratory game birds with only a conservation license. Resident minors who
29 are under 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish
30 in or on any Montana waters without first having obtained a Class B, B-4, or B-5 fishing license unless the

1 nonresident person under 15 years of age is in the company of an adult in possession of a valid Montana fishing
2 license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the
3 limit for one adult as established by law or by rule of the department.

4 (2) A resident, as defined by 87-2-102, who is 12 years of age or older and under 15 years of age may
5 purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8.

6 (3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth
7 combination sports license for \$25. A resident who is 12 years of age or older and under 18 years of age and who
8 applies for any hunting license for the first time is entitled to receive a youth combination sports license free of
9 charge.

10 (b) The youth combination sports license includes:

11 (i) a conservation license;

12 (ii) a fishing license;

13 (iii) an upland game bird license;

14 (iv) an elk license; and

15 (v) a deer license.

16 (c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing
17 license for \$8.

18 (d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1
19 upland game bird license for \$3.

20 (e) A person who lawfully purchases or is granted a free youth combination sports license at 17 years
21 of age, but who reaches 18 years of age during that license year, may legally use the license during that license
22 year. A person who hunts or fishes using a youth combination sports license purchased or granted free after the
23 person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties
24 by the sentencing court:

25 (i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's
26 hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges
27 for life; and

28 (ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a
29 person under this chapter for the specific hunting or fishing violation.

30 (f) This section does not prohibit a resident minor from purchasing any individual licenses for which the

1 minor may be eligible under this chapter if the minor does not purchase the youth combination sports license.

2 (4) (a) The department may issue a free resident or nonresident big game combination license, as
3 applicable, to a resident or nonresident youth under 17 years of age who has been diagnosed with a terminal
4 illness. In order for a youth to qualify for the free license, the department must receive documentation from a
5 licensed physician verifying that the youth is terminally ill. The free license may be issued to a youth on a one-time
6 basis for only one hunting season.

7 (b) In exercising hunting privileges, the youth must be in the company of an adult in possession of a valid
8 Montana hunting license or of a licensed Montana outfitter and conduct all hunting within the terms and conditions
9 of the license issued.

10 (c) The department may waive hunter safety and education and bowhunter education requirements in
11 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the
12 qualified youth to hunt from a vehicle in the manner described in 87-2-803.

13 (5) Resident minors who are 12 years of age or older and under 15 years of age and residents 62 years
14 of age or older must, upon application and production of the documentation and information required by
15 87-2-202(1), be issued a resident wildlife conservation license without charge."
16

17 **Section 4.** Section 87-2-903, MCA, is amended to read:

18 **"87-2-903. Compensation, fees, and duties of agents -- penalty for late submission of license**
19 **money.** (1) License agents, except salaried employees of the department, must receive for all services rendered
20 a commission of 50 cents for each transaction, plus any additional amount as determined by rules adopted
21 pursuant to subsection (9).

22 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
23 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit
24 collection of the convenience fee provided for in this subsection.

25 (3) Each license agent shall submit to the department the money received from the sale of licenses, less
26 the appropriate commission and convenience fee.

27 (4) Each license agent shall submit to the department copies of each paper license sold or issued
28 pursuant to ~~87-1-805(5)~~ 87-2-805(5).

29 (5) The department may charge license agents appointed after March 1, 1998, an electronic license
30 system fee not to exceed actual costs.

1 (6) The department may designate classes of license agents and may establish a protocol for each class
2 of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the
3 department, the director, the wardens, or the legislative auditor.

4 (7) For purposes of this section, the term "transaction" includes the sale or issuance of any license or
5 permit, collection of any data or fee, or issuance of any certificate prescribed by the department.

6 (8) If a license agent fails to submit to the department all money received from the declared sale of
7 licenses, less the appropriate commission and convenience fee, by the deadline established by the department,
8 an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance of late payments with
9 interest does not preclude the department from summarily revoking the appointment of a license agent under
10 87-2-904.

11 (9) The department may adopt rules necessary to implement this section."
12

13 NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks shall notify
14 the department of administration, on a quarterly basis, of the number of free wildlife conservation licenses that
15 have been issued pursuant to 87-2-805(5) during the preceding calendar quarter. Upon receipt of the notice, the
16 department of administration shall transfer from the general fund to the department of fish, wildlife, and parks for
17 deposit into the general license account as license revenue \$8 for each free wildlife conservation license issued
18 pursuant to 87-2-805(5) during the preceding calendar quarter, to compensate for license revenue lost through
19 the issuance of free licenses. The amount transferred from the general fund may not exceed the following in each
20 fiscal year:

| | |
|---------------------|-----------|
| 21 Fiscal Year 2007 | \$274,400 |
| 22 Fiscal Year 2008 | 392,000 |
| 23 Fiscal Year 2009 | 117,600 |

24
25 NEW SECTION. Section 6. Effective date. [This act] is effective March 1, 2007, or on passage and
26 approval, whichever is later.

27
28 ~~NEW SECTION. Section 7. Termination.~~ [Sections 1, 3, and 4] terminate February 28, 2009.

29
30 NEW SECTION. SECTION 7. TERMINATION. [SECTIONS 1, 3, AND 4] TERMINATE FEBRUARY 28, 2009.

31 - END -